



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
NORTHERN SECTION
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

October 26, 2005

Regulatory Branch
200309940

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200309940

Applicant: Thomas Enterprises
45 Ansley Drive
Newnan, GA 30263

Agent: Ecological Solutions, Inc.
Attention: Mr. J. Andrew Whorton
630 Colonial Park Drive, Suite 200
Roswell, Georgia 30075

Location of Proposed Work: The 104-acre project site is located near Wahoo Creek, adjacent to Bullsboro Drive, at latitude 33° 23' 21" North and longitude 84° 46' 00" West, in the City of Newnan, Coweta County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: The applicant, Thomas Enterprises, proposes to impact 0.59 acres of wetland and 2,260 linear feet of streams for the construction of a commercial development within a 104-acre project area (see Enclosure 8). Construction activities will include attendant features such as road crossings, parking areas, and stormwater management facilities.

Jurisdictional waters of the United States located in the project area include 2,540 linear feet of intermittent stream, 2,229 linear feet of perennial stream, and 4.04 acres of wetland. The applicant proposes to mitigate for unavoidable impacts to jurisdictional waters by purchasing 9,267 stream credits and 4.48 wetland credits from an approved US Army Corps of Engineers (USACE) commercial mitigation bank that services the project area. In addition, the applicant proposes to preserve 3.59 acres of wetlands along Wahoo Creek as open space but has not proposed to protect these wetlands with restrictive covenants (see Enclosures 1, 2, and 5).

Prior to the approval of the purchase of wetland and/ or stream credits from a commercial mitigation bank as compensatory mitigation, an applicant must demonstrate through documentation to the USACE that the option of on-site and nearby within basin mitigation has been thoroughly investigated, with no potential sites located.

Project History: In July 2003, the applicant submitted a standard individual permit application (IP) for the Newnan Crossings Mixed-Use Development, a.k.a. Newnan Place, located south and adjacent to Bullsboro Drive in the City of Newnan, Coweta County, Georgia (Enclosures 1, 2, and 4). USACE published a Joint Public Notice for this project on September 17, 2003. Comments received from the other resource agencies led to significant redesign of the project. On March 30, 2004, the applicant submitted a revised project plan that included changes to the impacts, the compensatory mitigation plan, and a cultural resource survey discussion. Following the March 30, 2004 revision submittal, additional project modifications occurred. These new revisions resulted in a net decrease to impacts to jurisdictional waters.

Following the original IP submittal, the project modifications have resulted in an overall reduction of 1,804 feet of stream impacts and 0.31 acre of wetland impacts. The southern portion of the property (approximately 93 acres) has been sold and is no longer considered part of the Newnan Crossing Development site (see Enclosure 3).

Resolution of Unauthorized Impacts: Two stream impacts occurred on-site prior to permit authorization. A road crossing on Stream 3 was constructed that impacted 161 linear feet. Initially, a temporary road crossing and a rock check dam were placed in Stream 3 which facilitated the accumulation of a large amount of sediments (due to nearby grading activities) within 150 linear feet of the stream channel. The unauthorized impacts have now been resolved through issuance of a Nationwide Permit 32, Department of the Army permit no. 200501175. Refer to Table 3 (see Enclosure 8) for quantities and nature of impacts.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for

public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the US Army Corps of Engineers, Savannah District, Regulatory Branch, Northern Section, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Review of the latest published version of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion are located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine

whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Regulatory Branch, Northern Section, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than **15 days** from the date of this notice. Please refer to the applicant's name and the application number in your comments.

If you have any further questions concerning this matter, please contact Mr. Nicholas Baggett at (678) 422-2723.



Mary E. Dills
Acting Chief, Northern Section

Enclosures

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| 1. General Location Map | 5. Revised/Current Impacts Overview |
| 2. Site Location Map | 5a. Revised/Current Impacts Detail |
| 3. Original & Revised Boundary | 5b. Revised/Current Impacts Detail |
| 4. Original Impacts Overview | 5c. Revised/Current Impacts Detail |
| 4a. Original Impacts | 5d. Revised/Current Impacts Detail |
| 4b. Original Impacts | 6. Unauthorized Impacts |
| 4c. Original Impacts | 7. Original vs. New Proposed Impacts |
| 4d. Original Impacts | 8. Original & Revised Impacts Tables |